

Cote, D.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

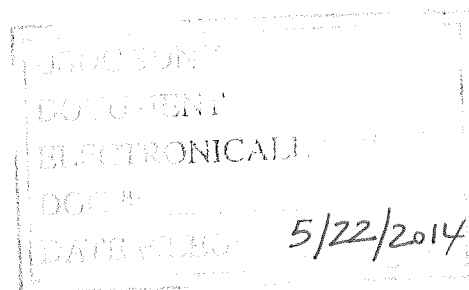
NATIONAL CREDIT UNION  
ADMINISTRATION BOARD,  
as Liquidating Agent of Southwest Corporate  
Federal Credit Union and Members United  
Corporate Federal Credit Union,

Plaintiff,

v.

BARCLAYS CAPITAL INC.

Defendant.



Case No. 13-cv-6727 (DLC)

**STIPULATION AND ~~PROPOSED~~ ORDER**

WHEREAS, in *National Credit Union Administration Board* (“NCUA”) v. *Morgan Stanley & Co., et al.*, No. 13-cv-6705-DLC (S.D.N.Y.), this Court issued an opinion and order dated April 28, 2014 (“April 28 Order”), striking certain defenses in the Answer of defendants Morgan Stanley & Co., Inc. and Morgan Stanley Capital I Inc.;

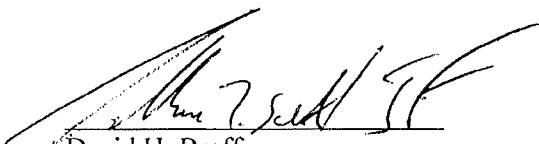
WHEREAS, NCUA has informed Defendant Barclays Capital Inc. (“Barclays”) that, based on the April 28 Order, it intends to move to strike Barclays’ Affirmative Defenses numbered 9, 11, 21, 23, 25, and 28 asserted in Barclays’ April 4, 2014 Answer (“Answer”) in the above-captioned action (“Action”);

WHEREAS, the Parties desire to avoid motion practice regarding those defenses;

NOW, THEREFORE, IT IS HEREBY ORDERED that Barclays’ Affirmative Defenses numbered 9, 11, 21, 23, 25, and 28 are dismissed with prejudice; and

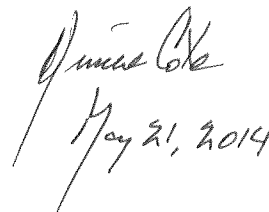
IT IS FURTHER ORDERED that nothing in this Stipulation (i) shall be deemed an admission by Barclays that it agrees with or adopts the opinions of the Court in the April 28 Order or (ii) shall prejudice any party's right to appeal or move for reconsideration with respect to any issue decided by the Court in the April 28 Order as if it had been entered in the Action.

STIPULATED AND AGREED:



David H. Braff  
Brian T. Frawley  
Jeffrey T. Scott  
Joshua Fritsch  
J. Brendan Day

*So ordered.*

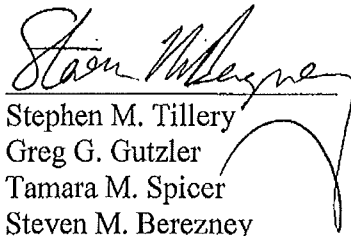


*May 21, 2014*

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*Attorneys for Plaintiff National Credit Union Administration Board*

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2014.

HON. DENISE COTE  
United States District Judge  
Southern District of New York

*gn*